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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Sixth periodic reports of States parties

El Salvador*

* For the initial report submitted by the Government of El Salvador, see CEDAW/C/5/Add.19, which was considered by the Committee at its fifth session. For the second periodic report submitted by the Government of El Salvador, see CEDAW/C/13/Add.12, which was considered by the Committee at its thirteenth session. For the combined third and fourth periodic report submitted by the Government of El Salvador, see CEDAW/C/SLV/3-4. For the fifth periodic report submitted by the Government of El Salvador, see CEDAW/C/SLV/5.

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Introduction

In view of the continuing serious acts of discrimination against women throughout the world and throughout history, the States parties to the Convention on the Elimination of All Forms of Discrimination against Women recognize the need to eliminate all discriminatory practices against persons on the basis of their sex. In its preamble, the Convention states that discrimination against women violates the principles of equality of rights and respect for human dignity. In light of the foregoing, failure to ratify the Convention could fundamentally contradict the principles of equality before the law enshrined in the Constitution of the Republic of El Salvador.

The Convention was adopted in El Salvador by Executive Decision No. 317 of 4 May 1981 of the Revolutionary Government Junta, ratified through Decree No. 705 of 2 June 1981 of the Revolutionary Government Junta and published in *Official Gazette* No. 105, vol. 271, of 9 June 1981. It entered into force on 3 September 1981 in accordance with article 27 of the Convention.

El Salvador recognizes the importance of international conventions and treaties, which even take precedence over the country's secondary legislation. Article 144 of the Constitution states that: "international treaties that El Salvador concludes with other States or international organizations shall become laws of El Salvador when they come into force in accordance with their provisions and the Constitution. The law may not amend or repeal the provisions of a treaty that is in force for El Salvador. In case of a conflict between the treaty and the law, the treaty shall prevail."

The Convention takes precedence over other secondary legislation of the country; as a result, all necessary efforts must be made to comply with its provisions, the importance of which is recognized even in the Constitution.

The present report is being submitted pursuant to article 18 of the Convention, which states that: "States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect."

The present report is in two parts. The first part briefly summarizes the most important measures taken in the country (including legislative and legal measures, as well as actions by non-governmental organizations) in implementation of the Convention. The second part discusses each of the articles of the Convention, focusing on the most recent legal and legislative measures adopted to give effect to the provisions of the Convention and not covered in previous periodic reports. Each section briefly describes the status of women (based on statistical data) as measured against the provisions of the Convention. A final section contains a status of implementation of the Convention and some recommendations for complying with its provisions.

Summary of past measures to implement the Convention

Since 1981 when the Convention entered into force in the country, various civil society stakeholders, including women's organizations, have taken many measures to implement it.

At the same time, the implementation of the Convention has also been marked by the intensification of measures in specific periods, where the key factor has been government liberalization.

In the 1980s, few or no measures were taken, which was hardly surprising given the armed conflict and the need to meet other political priorities.

During that period, the view was that sexual discrimination was outlawed in the country, since under the Constitution the principle of equality was embodied in all the laws. Article 3 of the Constitution clearly establishes equality, although there is no specific judicial or administrative procedure which a woman who considers herself a victim of discrimination can invoke. By the late 1980s, the only legislative progress was the enactment of the principle of equal pay for men and women; prior to that, women had earned the same as minors and disabled persons.

In the early 1990s, the scope of efforts to eliminate discrimination against women expanded considerably, especially in the administration and government spheres, as a result of pressure from national women's organizations and international bodies such as those of the United Nations system, as well as the ratification of the majority of international conventions, treaties and covenants in support of women. Governments throughout the 1990s took significant action to improve the living conditions of women, by strengthening the National Policy on Women and establishing the Salvadoran Institute for the Advancement of Women (ISDEMU).

On the legislative and legal front, the Family Code, the Family Procedural Law and the Domestic Violence Act were enacted. Details of these laws have been provided in the different reports submitted on the implementation of the Convention. Major amendments were also made to secondary legislation in line with international guidelines for the advancement of women and the elimination of all kinds of discrimination against them.

In short, throughout the country's history, three main sectors have been achieved on behalf of women: Salvadoran women's organizations, international bodies and international cooperation, and the Government, which was the driving force behind many legislative and judicial reforms.

Report on individual articles of the Convention

It is a well-known fact that public policies are the response of governments to the needs expressed by the people. In early 2001, El Salvador suffered two serious earthquakes that destroyed 70 per cent of rural infrastructure and caused substantial damage to hospital and educational infrastructures throughout the country. The Government's social policies had to form part of the process of rebuilding and rehabilitating the economy and addressing the needs of the people most affected by the earthquakes, including women, who, as one of the groups most vulnerable to

poverty and social exclusion, were all the more vulnerable in the face of natural disasters.

It should be noted that, for a whole year now, the country has been involved in a rehabilitation process, with some municipalities still in the process of rebuilding infrastructure. However, despite these obstacles, the process of rebuilding human capacities has slowed but not stopped, with priority being given in some areas to helping improve women's living conditions.

The Government's priority with regard to the advancement of women, as reflected in its 2000-2004 Plan, is their integration in production on a basis of equal opportunity. The progress made by the Government in promoting the advancement of women should be seen in that light, taking budget cuts into account (budgetary priority having been given to the reconstruction process).

The Plan of Action 2000-2004 for the implementation of the National Policy on Women was drawn up before the earthquakes and the delay in its implementation, coupled with the increased vulnerability of women as a result of the earthquakes, has been one of the main reasons for the slower rate of progress in the advancement of women than that envisaged in the Government plan entitled "The New Alliance".

Part I

Article 2

"*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and undertake to ... adopt appropriate* ***legislative and other measures****; establish* ***legal protection of the rights of women****; refrain from engaging in any* ***act or practice of discrimination against women****; take all appropriate measures* ***to modify or repeal existing laws and all penal provisions*** *which constitute discrimination against women ...*".

The following measures have been carried out in the country pursuant to this article: the establishment of the Legal Commission as an advisory body to the governing body of the Salvadoran Institute for the Advancement of Women (ISDEMU) has provided the framework guaranteeing legal and legislative measures for the advancement of women. The Commission is composed of the Executive Director of ISDEMU, the head of the ISDEMU legal unit, a representative of the National Secretariat for the Family, a representative of the Secretariat for Legal and Legislative Affairs in the Office of the President, a family representative appointed by the Supreme Court of Justice, a representative of the National Council of the Judiciary, a representative of the Office of the Procurator-General of the Republic and a specialist in gender affairs. Moreover, it has been expanded at the request of the ISDEMU governing body to include representatives of the Ministries of Education, Agriculture, Labour and Social Security and Health and of the Office of the Attorney-General of the Republic.

This Commission has drawn up and revised various draft legislative amendments that have been examined and approved by the ISDEMU governing body:

Penal Code: amendments to articles 46, 61, 201, 206 (pending review and submission to the Legislative Assembly) all aimed at penalizing behaviour that affects the family and/or improving the drafting of articles on this issue that will set up oversight and punishment mechanisms. With regard to irresponsible parenting, and the failure of fathers to pay child support in particular, a possible amendment would provide for accessory penalties. It would also introduce an additional penalty, as well as compulsory therapy, for abusers and would institutionalize the concept of compulsory therapy. There are also plans to revise the grounds for exemption from punishment for non-payment of support.

Family Code: amendments to article 46 of this Code on protection of the family home (pending review and submission to the Legislative Assembly) designed to establish better mechanisms for the protection and/or establishment of the family home.

Act on HIV/AIDS: revision of the preliminary bill as a result of consultations.

Act on the establishment of family property: proposed amendments (pending review and submission to the Legislative Assembly) aimed at ensuring that neither parent can dispose of the family home and that the mother's name appears on the deed.

Electoral Code: being amended to include and/or ensure the participation of women in elections and in the political life of the nation.

Preliminary draft code on children and adolescents: the preliminary draft code was the result of collective efforts involving the National Secretary for the Family and President of the ISDEMU governing body, the Supreme Court of Justice, the Legislative Assembly, non-governmental organizations, the Church, boys, girls and adolescents. The preliminary draft guarantees the inclusion of a perspective of non-discrimination on grounds of gender and also on grounds of ethnic origin.

Domestic Violence Act: proposed amendments submitted to and approved by the Legislative Assembly.

The following are the amendments to the Domestic Violence Act:

- Article 6 (c) would be amended to address and prevent domestic violence and establish a culture of non-violence;
- Phrases dealing with only one aspect of the problem were deleted in order to address the problem in an overall manner. For example, the word "incestuous" was deleted before "sexual abuse" and a reference to "adolescent(s)" was inserted, leaving only the term "sexual abuse", which covers all forms of abuse;
- Violence through denial of access to property ownership, a type of invisible violence that affects family life, was added. Before that, only physical, sexual and psychological violence were typified;
- At the same time, ISDEMU was designated as lead agency, meaning that it will be responsible for overseeing and identifying assistance mechanisms with all sectors involved in the eradication of domestic violence;
- It was proposed that any arms in the possession of the abuser should be confiscated or taken away for as long as the measures are in effect;

- Amendments were proposed to ensure that the parties attend court proceedings so that everything can be resolved in the best possible way;
- Schoolteachers and all health-care professionals were added so that they would report all cases of abuse;
- Provision was also made for payment to the victim for any indirect damage (damnum emergens) caused, including medical expenses, and all expenses arising out of the violence;
- Consideration is being given to having judges require abusers to undergo psychological or psychiatric treatment and to making failure to appear in court punishable by a fine in order to ensure respect for the judicial system.

The National Policy on Women which governs the functioning of ISDEMU covers 10 specific areas, including violence. In the latter area, the Programme to Improve Family Relations is aimed at addressing the problem of domestic violence in the country.

The ISDEMU report on its work for 2001 shows that the Institute handled a total of 26,775 cases of domestic violence countrywide and trained 19,512 young people on the issue of domestic violence. More than 9,000 people received counselling in mental health and domestic violence.

At the same time, the Programme to Improve Family Relations (PSRF) has handled the following cases of domestic violence in 2002:

Table 1
Cases of violence handled by PSRF from January to July 2002

Type of case	*Female victims*	*Male victims*	*Total*
Sexual assault	249	39	285
Child abuse	484	444	928
Counselling against violence	436	1	437
Domestic violence	1 736	190	1 926
Total	**2 905**	**674**	**3 576**

Source: Programme to Improve Family Relations (PSRF) of the Salvadoran Institute for the Advancement of Women (ISDEMU).

It is important to pay special attention to the high level of violence against women. The high level of violence against children is also cause for concern, considering that PSRF is only one of the sources (the biggest) in the country that directly addresses and monitors the overall problem of domestic violence, especially violence against women and children.

Moreover, despite progress on the legal front, considerable numbers of women continue to be victims of sexual violence. According to article 3 of the Domestic Violence Act, sexual violence is said to exist when a person is compelled to have physical or verbal sexualized contacts or to participate in such contacts by force, intimidation, coercion, blackmail, bribery, manipulation, threat or other means

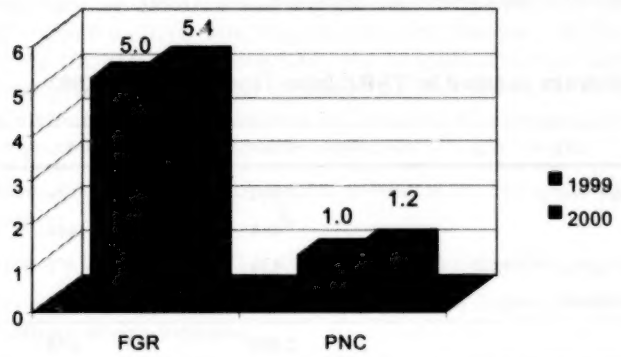
which prevent or restrict free will. Sexual violence also includes cases where the aggressor compels the victim to engage in any of these acts with third parties.

Article 160 of the Penal Code of El Salvador typifies any unwanted sexual contact as sexual assault. As noted by representatives of the Attorney-General's Office, sexual violence takes many forms: accosting or harassment in the street, at work, at home, at college, at school or at university, rape, sexual exploitation, sexual tourism, trafficking in persons for sexual purposes, sexual abuse of children and/or adolescents, manipulation, corruption, prostitution, pornography and genital mutilation or damage.

Rape continues to be defined as the act whereby a person has vaginal or anal intercourse with another person by means of violence (article 158 of the Penal Code). According to article 163 of the same Code, statutory rape is when a person has vaginal or anal intercourse with a child or adolescent between 12 and 18 years old by means of deception or trickery.

The figures for sexual violence and rape against women in our country continue to be alarming.

Figure 1
Complaints of sexual violence per 10,000 inhabitants, 1999 and 2000



Source: Office of the Attorney-General of the Republic of El Salvador (FGR) and National Civil Police (PNC).

It will be noted that the increase in the number of complaints of sexual violence was significant in both sources (Attorney-General's Office and National Civil Police) from one year to the next.

This situation has led to recognition that the Penal Code must be amended in order to increase the penalties for sexual violence and rape. The Legal Commission headed by the Executive Director of ISDEMU is currently engaged in that task.

Article 3

*"States Parties shall take in all fields, in particular in the **political, social, economic and cultural fields**, all appropriate measures, including legislation, to ensure the full development and advancement of women ...."*

The Government considers that the challenge of enacting public policies focusing on women should be evaluated in terms of the potential of those policies to lay a foundation for and guide countries towards development models. States are guided by the goals of improving the living conditions of citizens, both men and women, while increasing their participation in decision-making in an equitable manner. This is expressed through efforts to achieve a democratic, equitable system.

The Plan of Action 2000-2004 for the implementation of the National Policy on Women, which envisages a series of measures in the political, social, economic and cultural spheres, is currently being implemented in El Salvador.

In its annual report for 2001, ISDEMU stated that progress had been made in implementing the 10 areas covered by the Policy.

Under the area of training, the report noted that 3,801 women and 2,139 men had received training on various issues, including human rights, leadership, domestic violence, the gender perspective and planning.

In El Salvador, women receive support in various ways and from various sources. For example, the Inter-American Commission of Women is represented by the Secretary of the Salvadoran Legislative Assembly, Ms. Carmen Elena Calderón de Escalón, with technical support provided by Ms. Araceli Bayona, an expert in the fields of legislation and the law. The Commission has taken various measures to ensure women's involvement in politics, in recognition of the importance of empowering them to exercise their rights on an equal basis with men. One of the Commission's most important programmes in El Salvador was the Women's Rights Awareness for Effective Leadership Programme, which was implemented within the framework of the agreement between the Government, the Commission and the Organization of American States (OAS). The programme's objective was to promote women's participation in the various aspects of Salvadoran life and in political life in particular by informing them of their rights so that they could exercise them. The Programme targeted women mayors, municipal councillors and leaders throughout the country and had a total of 564 participants. The topics covered were:

- Gender-based violence, human rights and reproductive health;
- Gender-sensitive language;
- Violence as an expression of power relations, with a focus provided by the women's movement;
- Women's rights: from the prohibition to the elimination of discrimination;
- Types of power;
- The American Declaration of the Rights and Duties of Man;
- The Optional Protocol to the International Covenant on Civil and Political Rights;

- International Labour Organization (ILO) Convention No. 11 concerning Discrimination in respect of Employment and Occupation; and
- ILO Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women in the Workplace: Workers with Family Responsibilities.

Lastly, it is recognized that local governments (municipal councils) are making a great effort to empower women. For example, the municipal council of the country's capital, San Salvador, has established a municipal gender equity policy, the overall objective of which is to develop an administration designed to promote gender equity and shared responsibility between men and women through actions aimed at improving the status and enhancing the position of women in the city so that their participation in the various areas of municipal development will be based on equality of opportunities and benefits with men. This objective is almost identical to the overall objective of the National Policy on Women, thereby reinforcing institutional efforts for the advancement of women.

Article 4

"*Adoption by States Parties of **temporary special measures** aimed at accelerating de facto equality between men and women ... including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.*"

In 2001, following the two earthquakes in the country (in January and February 2001), the Legislative Assembly carried out the necessary procedures for the adoption of a temporary decree allowing women victims of the earthquakes to obtain temporary housing on the same terms as men. Mechanisms giving women heads of household access to other types of benefits were also provided.

The Salvadoran Association of Women Parliamentarians and Former Parliamentarians has promoted in the Legislative Assembly the adoption of a bill amending the Electoral Code which would require political parties to ensure that 40 per cent of their candidates for election to public office were women.

As a follow-up to this proposal and in view of the low proportion of women in leadership positions in political parties (see figure 2), ISDEMU has organized several forums in an effort to win support within the Legislative Assembly by raising awareness of the importance of empowering women within political parties themselves.

Article 5

"*States Parties shall take all appropriate measures: (a) to **modify the social and cultural patterns of conduct of men and women**, with a view to achieving the **elimination of prejudices and customary** and all other **practices** which are based on the idea of the inferiority or the superiority of either of the sexes ...; (b) to ensure that **family education** includes a **proper understanding of maternity** as a social function ....*"

In identifying discrimination against and marginalization of women in public and private life, women's organizations have considered it important to begin

speaking in terms of progress towards "gender democracy", taking into account the need to bring about major changes in the way in which power is viewed not only in the public or political sphere, but also in the private or domestic sphere. This is consistent with Government's policy of promoting women's equitable integration in the country's productive life.

What is needed is to develop a democratic system that takes women's characteristics, needs and level of understanding of the patriarchal system into account in the context of their own situation. This level of women's understanding of the patriarchal system has also received special attention from the Government of the Republic of El Salvador, which is trying to tackle the issue of cultural transformation towards gender equity through its National Policy on Women, taking into account the specific characteristics of both men and women, as well as age, ethnic and geographical factors.

Based on the discussion of women's exclusion from public life or their inclusion in a way which devalues them, the analysis of democracy is broadening and moving towards the conclusion that the conditions for the development of a democratic system must not be viewed purely from a political perspective but also from a social one. As stated in the National Policy on Women, the overall objective must be to improve the status and enhance the position of Salvadoran women by ensuring that they can participate in national development on a basis of equal opportunity with men and by promoting shared responsibility between the sexes.

Under the National Policy on Women, various measures have been taken to eliminate the socio-cultural patterns that are one of the biggest barriers to providing appropriate support for women's advancement in the various areas covered.

Most activities have been related to awareness-raising and training targeting various publics in different areas and institutional structures, both governmental and non-governmental.

Training activities on specific issues are also being carried out, using the gender equity perspective as a baseline for raising trainees' awareness.

As part of the "Women in the workplace" component of the National Policy on Women, the Government, through the Public Prosecutor's Office, is taking measures to promote equal opportunity and equal treatment for women in the workplace.

The National Civil Police currently has 1,134 women members, including 3 commissioners, 8 deputy commissioners, 3 inspectors, 28 deputy inspectors and 44 sergeants. There are women soldiers in the Salvadoran army and the career military service has been open to women since 2002.

One-day workshops for parents and children, entitled "This is how we teach — this is what we do" and designed to eliminate gender stereotypes regarding the roles of family members, have been held in some public entities.

Entities which work more directly at the local level, such as the Social Investment Fund for Local Development, have a gender equity policy which focuses on the promotion of participation in local planning on a basis of gender equity. This, in turn, promotes family relations that reflect gender and age equity.

Article 6

"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Article 351, paragraph 12, of the Family Code, which deals with children's basic rights, states that they have the right to be protected against incitement or coercion to engage in any sexual activity, including prostitution.

Furthermore, articles 169 and 170 of the Penal Code, on the promotion and encouragement of prostitution, establish specific penalties for prostitution.

More recently, chapter III of the San Salvador Municipal Code in force since 1 March 2000 (vol. 346 of 28 March 2000) deals with offences against public morality. Article 36 establishes the penalties for trading in sexual services in a public place.

Chapter III, article 28, of the Santa Ana Municipal Code, on offences against public morality and trade in sexual services, establishes fines for persons who solicit or offer sexual services in a public place.

A broad advisory and consultative process has been launched at the national level with a view to the drafting of a bill against the commercial sexual exploitation of children and adolescents, thereby placing the issue on the national agenda and resulting in a series of measures and activities that have helped clarify and properly identify concepts related to the issue of commercial sexual exploitation. The bill is currently under consideration in the Legislative Assembly.

A draft code on children and adolescents is also under review by the Legislative Assembly with a view to its adoption. Under that code, commercial sexual exploitation would be treated as a special case calling for special, explicit protection under national legislation.

Part II

Article 7

"States Parties shall take all appropriate measures to eliminate discrimination against women in ***the political and public life of the country*** *... in particular ... the right ... to vote ... to participate in the formulation of government policy ... to hold public office (and) ... to participate in non-governmental organizations and associations ...."*

According to the *Human Development Report 2002*, El Salvador's gender empowerment measure (GEM) ranking is 52nd out of 66 countries. This means that it has failed significantly to break with the systems and structure that hinder women's inclusion in decision-making processes and prevent them from holding public office.

The Government of El Salvador is currently implementing the Plan of Action 2000-2004 of the National Policy on Women, which again includes measures in 10 areas of support for the advancement of women and the primary goal of which

(based on the Government's "the New Alliance" plan) is to give women equal opportunities and full enjoyment of their rights.

Salvadoran women's organizations continue to believe that one of the primary achievements in terms of equitable participation in governmental policy-making is the establishment of the ISDEMU governing body, which includes two representatives of those organizations, as well as representatives of the main government bodies that can and must promote activities for the advancement of Salvadoran women, namely, the Ministers of virtually all the government ministries responsible for implementing a particular area of the National Policy on Women.

However, it is also recognized that, while women can be said to have made a major breakthrough into political life, the nature of that breakthrough must be identified. It is literally a historic breakthrough which women have achieved in order to gain access to public office and be taken into account in government planning.

In response to that situation, the Government of El Salvador has endeavoured to lay a solid foundation that will guarantee the sustainability of government planning for the advancement of women in conditions of equity, thereby promoting the mainstreaming of a gender perspective in all public bodies.

In 2000, women held only 9.5 per cent of seats in the Legislative Assembly; 33 per cent of legislative, senior government and managerial positions; and 47 per cent of professional and technical positions.[1] However, under the National Policy on Women, major efforts are continuing to be made to empower women through awareness-raising and training activities.

Table 2
Percentage of women in cabinet posts in the Government, 1994-1999 and 1999-2004

Posts	*1994-1999*	*1999-2004*
Ministerial level	11	23
Deputy ministerial level	11	12
Average	11	18.5

Source: Iniciativa Centroamericana de Seguimiento a Beijing (El Salvador chapter, p. 88).

Despite an increase in the number of women in the Cabinet from one presidential term to the next (see table 2), the percentages of women in the most influential ministerial posts remain low. Moreover, women continue to serve in the same areas, such as education. Nonetheless, some major new opportunities for women have opened up in the Government. This year, for the first time in the country's history, a woman is serving as Chairman of the Central Reserve Bank, a position traditionally filled by men.

Moreover, since women's participation in leadership positions in all the country's political parties is quite low (see figure 2), efforts in various areas of

[1] UNDP, *Human Development Report 2002*.

national life are needed in order for women to be adequately integrated into the electoral process and into public life and decision-making at all levels.

Figure 2
Percentage of women and men in leadership positions in registered political parties, El Salvador, 1999

Source: "Informe alternativo sobre el cumplimiento de la Plataform de Acción Mundial de la Cuarta Conferencia de la Mujer por parte del Gobierno de El Salvador", Iniciativa Centroamericana de Seguimiento a Beijing (El Salvador chapter, p. 84).

In view of the importance of empowering women, the Salvadoran Institute for the Advancement of Women (ISDEMU), under the National Policy on Women in the area of civic and political participation, has carried out a programme of pluralist training for women political leaders, in which 45 women leaders of the country's different political parties participated, in the framework of the Salvadoran Association of Women Parliamentarians and Former Parliamentarians project (ASPARLEXAL/ISDEMU).

Women's organizations in the country are also making major efforts, in coordination with international cooperation agencies, to further women's participation in public life and politics. Some of the most significant initiatives involve:

- Training for women political leaders;
- Public participation with gender equity;
- Training in planning participatory policies at the local level, among others.

Article 8

"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

In terms of the country's official representation, women occupy posts of importance in the embassies and consulates of the Government of the Republic of El Salvador. There are currently 12 women in consular posts in various parts of the world, 2 women in vice-consular posts, 12 women serving as minister counsellor and one woman ambassador. It should be borne in mind that the Government of El Salvador maintains diplomatic representation in only 27 countries or regions.

The creation of ISDEMU has helped increase women's participation in national and international events, resulting in a more informed and equitable position on all issues related to the integral development of women.

Lourdes Rodríguez de Flores, in her capacity as First Lady of the Republic and President of ISDEMU, attends various events organized in support of the advancement of Salvadoran women through technical and political representation in the country.

In addition, many missions travelling abroad to represent the Government at a high level include women in important public posts, such as the Minister for Foreign Affairs, María Eugenia Brizuela de Avila.

In the course of 2001, female officials of the Salvadoran Institute for the Advancement of Women (ISDEMU) represented the Institute and the country at the following events, among others, of importance for supporting measures in favour of women: a seminar on mainstreaming the gender perspective at ECLAC and in sectoral ministries (Santiago, Chile); a seminar on participation by rural women (Santo Domingo, Dominican Republic); and a forum on public policies with a gender perspective in south-east Mexico (Oaxaca, Mexico).

In 2002, the Executive Director of ISDEMU, Zoila González de Innocenti, participated as official representative of the Government of El Salvador in a seminar on responsible paternity (San José, Costa Rica); a forum on exchanges of experience in mainstreaming (Guatemala City); a meeting of agencies for women in the Central American region (Managua, Nicaragua); and an international seminar on democratic governance and gender equity (ECLAC, Santiago, Chile). ISDEMU officials consider such events to serve as a basis for regional support (among the Central American countries) for institutional mainstreaming of the gender equity perspective, thereby ensuring sustainability at the governmental level of efforts for the advancement of women, independently of political changes or changes of government.

The Government is also becoming involved with issues related to women's living conditions that it had not addressed in the past, such as responsible paternity and maternity, drawing national attention to the issue based on the guidelines brought back by the country's delegations to international forums.

Article 9

"*States Parties shall grant women equal rights with men to* ***acquire, change or retain their nationality*** *... and with respect to the nationality of their children*".

There have been no significant changes concerning retention of nationality. Article 90 of the Constitution states that: "The following are Salvadoran by birth: 1. Persons born in the territory of El Salvador; 2. Children born abroad of Salvadoran fathers or mothers; 3. Persons originating in the other States comprising the Federal Republic of Central America who, being domiciled in El Salvador, indicate to the competent authorities their wish to become Salvadoran, without having to renounce their nationality of origin."

El Salvador recognizes that its citizens, both men and women, may hold dual nationality. Article 91 of the Constitution states that: "Salvadorans by birth have the right to dual or multiple nationality".

With regard to the nationality of Salvadoran citizens, it has been recognized at the legislative level that the sexism in the language in which most of the nation's legislation (including the Constitution) is couched can have the effect of marginalizing women or making them invisible with respect to the protection that it can provide.

The rights of minors are protected not only by the Constitution but also by the Family Code, which provides in article 351 that: "3. All minors shall have the right to hold from birth and to retain at all times their name, nationality, legal representation and family ties and to benefit from an identification system that guarantees their real maternal and paternal filiation", and by the Act on the Names of Natural Persons promulgated by Decree No. 450 of 1990.[2]

Moreover, in 1990 El Salvador ratified the Convention on the Rights of the Child, which provides in article 7, paragraph 1: "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents".

The right of minors to a nationality has been incorporated in the preliminary draft code on children and adolescents, which is being considered for adoption in the Legislative Assembly.

Part III

Article 10

"*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education ....*".

The *Human Development Report 2002* shows that discrimination against women in the field of formal education is still evident in the country.

In terms of the gender-related development index (GDI) published in that report, El Salvador ranks 87th out of 146 countries worldwide.[3] The adult literacy rate for women in El Salvador is 76.1 per cent, compared with 81.6 per cent for men (percentage of those age 15 and above). On the other hand, the combined primary, secondary and tertiary gross enrolment ratio for the nation as a whole in 1999 was 64 per cent for women and girls and 63 per cent for men and boys.[4]

Despite advances in the support provided by social policies for the integration of girls and women into formal education in El Salvador, there are still gender gaps in literacy rates for men and women, which suggests the need for close scrutiny of

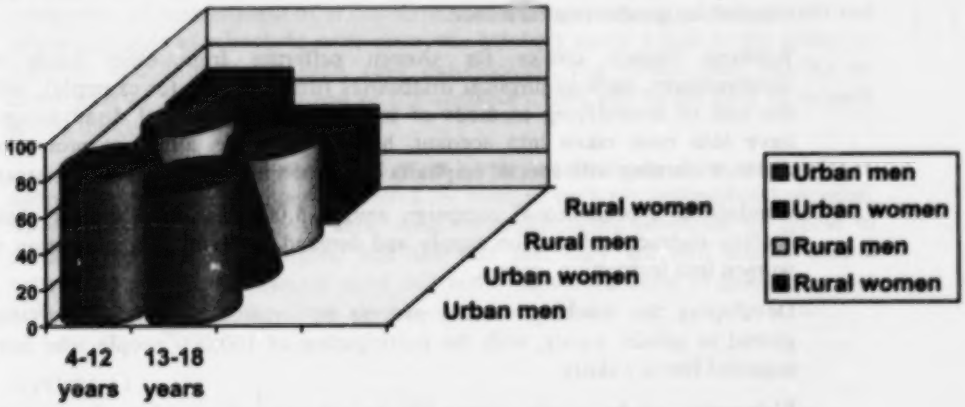
[2] Promulgated 22 February 1990 and published in *Official Gazette* No. 103, vol. 307, of 4 May 1990.

[3] United Nations Development Programme (UNDP), *Human Development Report 2002*.

[4] Ibid.

the school drop-out problem (see figure 3), since women and girls, simply because of their gender, encounter many problems and obstacles to continuing with their formal education.

Figure 3
Average rate of school attendance by geographical area and sex, El Salvador, 1999



Source: Multi-purpose Household Survey, 1999, DIGESTYC, Ministry of Economic Affairs.

The National Policy on Women recognizes that, in addition to the other ways in which women are vulnerable and which are reflected in indicators such as the rate of school attendance, disadvantages such as geographical location show clearly that there are not only gender gaps but also urban-rural disparities nationwide (see figure 3).

Rural women aged 13 and above show a lower rate of formal school attendance, as a result of variables such as an excessive burden of reproductive and productive activities, teenage pregnancy and irresponsible paternity, which definitely have an impact on the school drop-out rate for girls and the subsequent discrimination that women encounter in their access to production (see figure 4).

According to the most recent statistics compiled by the Ministry of Education, the national figure for pre-school enrolment is 40 per cent, with an overall drop-out rate of 7 per cent, the rate being higher for boys. At the basic education level, the national enrolment figure is 86 per cent, with a drop-out rate of 6 per cent; here too, the rate is higher among boys. At the secondary level, however, where the national enrolment rate is 36 per cent and the total drop-out rate is 10 per cent (the highest for all the different educational levels), a higher percentage of drop-outs are girls.

On the basis of this analysis, a huge effort has been made under the National Policy on Women, which includes a variety of specific activities carried out by the various national agencies having to do with education, chiefly the Ministry of Education:

– Promoting strategies to address and prevent teenage pregnancy so as to ensure the full educational development of girls;

- Conducting studies with gender indicators that will serve as a reference and a basis for the implementation of measures aimed at achieving equal opportunities for boys, girls, men and women at the various educational levels;
- Developing instruments for gathering information on the causes of school drop-out at the secondary level;
- Conducting a promotional campaign among higher institutions of education and encouraging such institutions to publish the results of their studies and research on gender-related issues;
- Running literacy circles for women suffering from other kinds of disadvantages, such as physical disabilities (deaf women, for example), with the aim of diversifying methods of instruction; geographical disadvantages have also been taken into account, holding meetings aimed at promoting distance learning with special emphasis on women in rural and suburban areas;
- Conducting a promotional campaign among 5,000 organized groups about literacy instruction based on supply and demand, stressing the integration of women into instruction groups;
- Developing the teaching/learning process by organizing training activities geared to gender equity, with the participation of 100,000 people who have acquired literacy skills;
- Elaborating gender equity criteria for the selection of candidates for and the award of scholarships, a procedure has been put in place for granting 56 "President of the Republic" and "Dr. José Antonio Rodríguez Porth" scholarships, in coordination with the higher education authorities;
- Drafting, revising, reproducing and distributing 1,000 printed educational kits on vocational guidance and gender stereotypes, aimed at young people in the ninth grade in pilot educational centres;
- Developing, processing, testing, designing and reproducing 1,000 copies of a methodological kit on gender equity for teacher training in technical secondary subjects; 100 instructors were trained in the use of the kit and a gender approach was applied in selecting participants;
- Verifying that higher education institutions are complying with the provisions of the Domestic Violence Act by incorporating content on sexual and reproductive health and on the Domestic Violence Act in their degree programmes in health, education sciences, teaching, law and social studies, as a prerequisite for the approval of those programmes;
- Drafting, adopting and revising a document aimed at incorporating a gender perspective in objectives, categories and evaluation criteria to ensure an equitable approach.

Through the strategies developed by the Ministry of Education, pregnancy has been identified as a cause of school drop-out among pre-adolescent and adolescent girls. The most recent data show that there were 190 pregnant pre-adolescent or adolescent girls attending public school (at a total of 166 schools around the country) and 252 pregnant pre-adolescent or adolescent girls not in school, giving a total of 442 pregnant pre-adolescent or adolescent girls recorded by the Ministry of Education in 2002. If that figure is compared to the approximate figure of 33,000

pregnant pre-adolescent or adolescent girls recorded by the Ministry of Education in 2001, the sharp reduction is evidence of the effectiveness of the programmes conducted by the Ministry of Education to promote the training and education of pre-adolescent and adolescent girls with the aim of preventing early pregnancy and bringing about a significant reduction in school drop-out rates for girls at the secondary level.

The Ministry of Education has a special office open to the public to receive complaints of mistreatment of or discrimination against pregnant pre-adolescent and adolescent girls at school. In such cases, the Ministry sends a note to the school in question and follows up each case individually. The office also follows up complaints of sexual harassment of pre-adolescent and adolescent girls in schools across the country.

The Government is aware that much work remains to be done, especially in addressing other disadvantages suffered by women, such as: geographical location, which goes beyond living in rural areas to experiencing problems of access to schools and new technologies, and the fact that they are still locked into a patriarchal system that assigns roles and activities on the basis of gender, so that girls and women of all ages have double or triple workload.

Article 11

"*1. States parties shall take all appropriate measures to eliminate discrimination against women in* ***the field of employment*** *in order to ensure ...: (a) The right to work ...; (b) The right to the* ***same employment opportunities*** *...; (c) The right to* ***free choice of profession and employment*** *...; (d) The right to* ***equal remuneration*** *...; (e) The right to* ***social security*** *...; (f) The right to* ***protection of health and to safety in working conditions****, including the safeguarding of the function of reproduction.*

"*2. In order to prevent discrimination against women on the grounds of marriage or maternity ...: (a) To prohibit ...* ***dismissal on the grounds of pregnancy or of maternity leave*** *and discrimination ... on the basis of marital status; (b) To introduce maternity leave with pay or with comparable social benefits ...; (c) To encourage the provision of the necessary supporting social services to enable parents to combine ... responsibilities ...; (d) To provide special protection to women during pregnancy ....*"

Women's lack of integration in production continues to be one of the main obstacles to their advancement. The informal sector is still the main sector of the economy in which women find paid employment; it is also the sector least covered by the social security system and by labour legislation and where proper implementation of such legislation is hard to monitor.

The ratio of estimated female to male earned income for the country as a whole was 0.35 in 2000,[5] that is, women earned 35 per cent less than men for equivalent jobs or work. Moreover, Salvadoran women's estimated earned income was equivalent to US$ 2,347, calculated on the basis of purchasing power parity,

[5] Ibid.

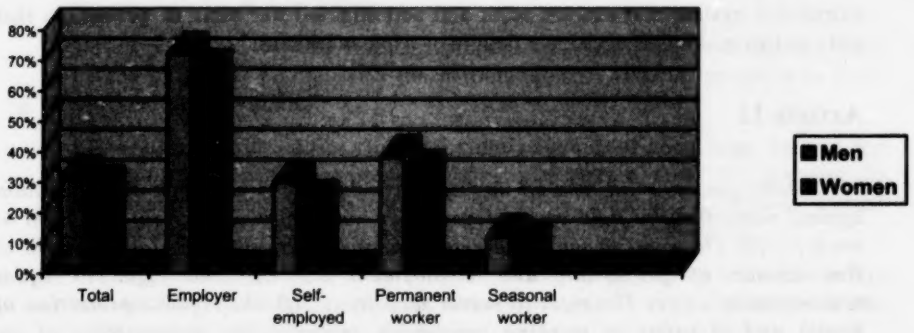
whereas the corresponding figure for men was US$ 6,767.[6] Thus, the disparity in purchasing power between men and women is highly inequitable (see figure 4).

The legal framework of labour protection is considered adequate to provide women with equitable labour force participation. The problem, then, seems to reside chiefly in sociocultural discrimination, which continues to marginalize and undervalue the work of women and the tasks they perform, while also not allowing them to be trained sufficiently to perform better-paid work.

Labour legislation has not changed significantly in terms of women's employment protection since the submission of El Salvador's fifth periodic report, which cites all the articles of the Labour Code that protect pregnant women and which indicates that women have the right to fair and equitable pay.

Figure 4

Average monthly wage by employment status, for men and women



Source: UNDP, *Human Development Report*, El Salvador 2001.

However, it is recognized that the labour laws protecting women are poorly enforced. Based on that recognition, under the "women and the workplace" area of the National Policy on Women, the following action strategies have been developed:

- Strengthening programmes for women's integration in production and development;
- Promoting awareness and implementation of women's labour rights and occupational health and safety measures;
- Promoting equal opportunity and treatment for women in the workplace.

Most of these strategies have been developed in relation to the work plans of the Ministry of Labour and Social Security, resulting in the following activities:

- Approving 64 sets of internal work rules submitted by various workplaces, after verifying that they did not contain provisions discriminatory to women;

[6] Ibid.

- Preparing an instruction booklet incorporating a gender perspective for the development of internal work rules, to serve as a guide to various workplaces in drafting their own rules or to the persons assigned to examine rules submitted for approval;
- Inspecting manufacturing, night-operating and agricultural workplaces that primarily employ women, to verify that the benefits provided by law for women workers, especially the provisions relating to health, are being implemented;
- Carrying out 3,840 special and regularly scheduled inspections and repeat inspections of workplaces to ensure that men and women are not being exposed to occupational risks, in the manufacturing, service, commercial and agricultural sectors;
- Carrying out 20 special inspections and repeat inspections, in coordination with the Ministry of Public Health and Social Welfare and the Salvadoran Social Security Institute, to ensure that the conditions in which women are working do not affect their reproductive health;
- Obtaining 40 statements of commitment to form occupational safety and health committees at workplaces, on a voluntary basis, to prevent occupational risks;
- Designing and implementing a programme of five workshops to raise women's awareness, on the themes of labour rights and duties; gender and development; workplace consequences of domestic violence; social dialogue; and occupational health;
- Updating and approval of an agreement between the Ministry of Labour and the Office of the Procurator-General of the Republic aimed at establishing a permanent inter-agency coordination mechanism to facilitate access by women heads of household to jobs;
- Conducting 100 promotional visits to companies to encourage them to increase their hiring of women heads of household;
- Conducting basic courses on how cooperatives work in order to encourage women to participate in cooperatives as a non-marginal employment alternative and as a way of integrating women in the labour market;
- Implementing a system for following up cases of adolescents permitted to enter the labour market.

In addition, ISDEMU is promoting the creation of occupational training centres for women to enable them better to integrate into production, especially in fields where they face major barriers, namely, those in the primary and secondary sectors of the economy (agriculture, industry and commerce).

Article 12

"States Parties shall take all appropriate measures to eliminate discrimination against women ***in the field of health care*** *in order to ensure ... access to health care services, including those related to family planning. States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services ...."*

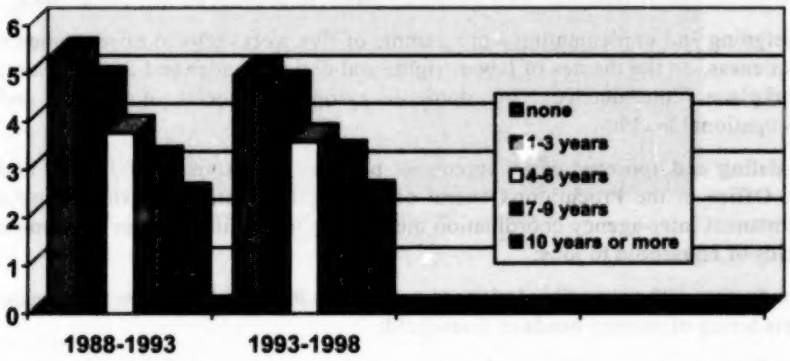
Various international and country-level studies have demonstrated that, as a population's access to health care improves, so does its contribution to the country's development.

The rate of maternal mortality in El Salvador is still relatively high: for every 100,000 live births, 120 women aged between 15 and 40 die.[7] It is also known that only half the total number of births in the country (51 per cent)[8] are attended by specialized medical personnel; obviously, this problem is worse in rural areas.

Despite the fact that fertility levels have fallen considerably, the total fertility rate in El Salvador remains fairly high, particularly among women in rural areas where the fertility rate from 1993 to 1998 was 4.56, compared with 2.79 in urban areas.[9]

A correlation can be seen among the different variables affecting the improvement of women's health conditions. For example, the highest fertility rates are found among women with the lowest educational levels (see figure 5).

Figure 5
Total fertility rate by educational level, El Salvador 1988-1998



Source: National Family Health Survey/FESAL 98. El Salvador 2000.

Based on the above information, measures were taken under the 1997-2000 plan to implement the National Policy on Women to institutionalize a gender equity perspective in all public health facilities. Initiatives taken by the Salvadoran Institute for the Advancement of Women and the Ministry of Public Health and Social Welfare include the following:

- Training in comprehensive adolescent health and gender issues for doctors, nurses and health educators;
- Promotion of actions to reduce uterine and cervical cancer;

[7] National Family Health Survey/FESAL 98. El Salvador 2000.
[8] UNDP, Human Development Report 2002.
[9] National Family Health Survey/FESAL 98. El Salvador 2000.

- Workshop on gender, as part of integrated women's health programmes, designed for technical staff of the Ministry of Health and the Salvadoran Social Security Institute;
- Training of public health personnel in the humanization of health care and in taking Pap smears;
- Workshop to raise awareness among members and alternate members of the inter-agency committee on the prevention of cervical cancer;
- Training of multi-disciplinary personnel with experts in sexual and reproductive health.

At the same time, various specific health-related actions have been implemented at the level of public ministries with a view to improving women's health as a way of supporting their overall development. One aspect of this strategy is designed to reduce women's morbidity and mortality from uterine and cervical cancer.

The aforementioned actions are as follows:

- Media promotion of awareness of the importance of women's self-help health care;
- Design and validation of national standards for the prevention of uterine and cervical cancer;
- Projects to strengthen the taking of Pap smears in higher-risk areas;
- Establishment of a national committee to monitor maternal and perinatal mortality and another on reproductive health;
- Provision of basic equipment to the country's 28 maternity centres;
- Epidemiological monitoring of maternal mortality in the 28 centres;
- Establishment of standards and guidelines in support of women's health care;
- Implementation of quality improvement models in priority areas (Sonsonate and Ciudad Barrios);
- Improvement of the technical skills of nursing staff in obstetric and perinatal care;
- Development of a programme designed to promote early detection in the workplace of cervical cancer; 164,330 women have benefited from this programme. A doctor specializing in colposcopy has been appointed, providing a service which has been used by 9,000 women with abnormal Pap smears, leading to timely treatment of lesions;
- Training of 357 adolescent women and 293 adolescent men as facilitators in sexual and reproductive health, in the Departments of San Salvador, La Libertad and Chalatenango;
- Community workshops in the same Departments, which have benefited 1,375 adolescent women and 1,125 adolescent men.

The Office for Integrated Women's Health Care, which comes under the Ministry of Public Health and Social Welfare, has taken the following measures pursuant to commitments entered into at the Conferences of First Ladies of the Americas and the Caribbean:

Maternity care

- Establishment of a national committee to monitor maternal mortality;
- Publication and distribution of a maternal mortality monitoring manual;
- Distribution of a technical manual on reproductive health to establishments at the national level;
- Preparation, publication and use of a continuing education manual for midwives;
- Implementation of health-care quality models in Sonsonate and Ciudad Barrios;
- Monitoring of maternal mortality in the country's 28 maternity centres;
- Launching and publication of the technical directive for women's health care during pregnancy, childbirth, postpartum and the neonatal period;
- Assessment of efficiency at the 28 maternity centres;
- Provision of basic health-care equipment to those centres;
- Distribution of reproductive health kits to 45 health centres and 11 hospitals following the earthquakes;
- Creation of four mobile units with the necessary equipment to assist and provide shelter for rural communities affected by the earthquakes;
- Implementation of a perinatal data-processing system in 10 maternity centres;
- Training in obstetric skills for nursing staff;
- Investigation of 87 per cent of maternal deaths.

Family planning services

- Training of technical teams at the SIBASI and area levels in the use of the contraceptive logistics computer program;
- Updating of the manual for that program;
- Holding of follow-up workshops for the implementation of family planning standards;
- Implementation of the strategy of community distribution of contraceptives at the national level;
- Implementation of a strategy to ensure availability of contraceptives;
- Training workshops to familiarize users with the manual on health care for women in childbirth, postpartum and post-abortion.

Prevention and control of uterine and cervical cancer

- Setting up and functioning of a national committee for the prevention of cervical and uterine cancer;
- Provision of equipment for colposcopy clinics at the hospitals in Sonsonate and Usulután;
- Provision of equipment and supplies for medical facilities, cytology laboratories and cervical pathology units in Nueva Concepción, Chalatenango, San Vicente, Usulután and the central laboratory;
- Steps towards the incorporation of the Ministry's cytology laboratories into the Pan-American Cytology Network (Red-PAC);
- Preparation and validation of a programme and standards for the prevention and control of uterine and cervical cancer.

Domestic violence

- Review and validation of standards relating to domestic violence;
- Follow-up meetings with the network for action against gender-based violence;
- Functioning of the domestic violence programme in the Basic Systems for Integrated Health (SIBASIS).

Article 13

"*States Parties shall take all appropriate measures to eliminate discrimination against women in **other areas of economic and social life** ..., in particular: (a) the right to **family benefits**; (b) the right to **bank loans** ...; (c) the right to participate in **recreational activities** ...*"

At the national level, various efforts have been made both by the Government and its various departments and by international organizations and women's organizations with a view to removing the lack of equity in relations between men and women. However, a male-dominated, patriarchal structure continues to be the overall framework for everyday social interaction among the Salvadoran population. Inevitably, this is reflected in the various areas of development, from the smallest social unit, the home, to public spheres of activity such as politics and private property.

Traditional viewpoints also remain prevalent, preventing women from being considered "reliable" candidates for handling economic or financial matters. This is reflected in the fact that no woman has ever headed the Ministry of Economic Affairs or the Treasury in women's limited access to the credit system.

Access to credit is also inevitably linked to women's disadvantaged position in terms of poverty and lack of commercial guarantees. Through the Salvadoran Institute for the Advancement of Women (ISDEMU), the Government has taken various measures, including:

– Access to credit for agricultural production has been improved through the granting of 85 loans for productive activities in the agricultural, livestock, crafts and microenterprise areas. The main impact of this measure has been

observed in the 30 per cent representation of women in the assemblies of financial intermediaries and the fact that they had the same working capital as men;

- Work has been done to validate a credit module with a gender equity content for use by the operational staff of credit institutions, thereby creating conditions which ensure rural women better access to credit;
- Training on gender issues and access to credit has been given to 416 women in the modernized sector and 2,332 in the traditional sector. Also, training in the use of legal instruments has been given to 100 women cooperative members;
- Courses on cooperativism have been given to promote women's leadership for access to credit and the cooperative movement.

At the same time, the level of assistance to women from government structures is complicated by the fact that the women are overworked and by a culture which discriminates against them as human beings in terms of their right to recreation and leisure.

Government agencies have, however, made efforts to promote awareness of gender equity within the family, identifying the right to recreation as a family right in which women should certainly be included, in order to enable them to recognize that right themselves.

In the same area, male and female civil servants continue to be trained with a view to mainstreaming a gender perspective and institutionalizing efforts to promote the exercise of women's rights:

- Various government agencies held educational workshops entitled "Getting to Know the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol", designed for legal staff working in the Office of the Procurator-General of the Republic at the national level;
- Training in self-esteem and on domestic violence and mental health, as well as occupational workshops, were held for 12,000 adolescents and schoolchildren, within the framework of the programme entitled "Youth of El Salvador, Your Future is Today";
- Training to promote awareness of mental health and violence was given to 22,000 staff of governmental and non-governmental organizations, private firms, the armed forces and prisons;
- Training has been given to 537 outreach workers on mental health and domestic violence;
- At the community level, training and awareness programmes on domestic violence prevention and mental health have been given to 14,000 people: children, adolescents, young adults, parents and community leaders;
- Training in violence prevention and mental health has been given to 345 outreach workers who are community leaders;
- A nationwide campaign entitled "No to Silence" has been implemented in coordination with ISDEMU and the National Secretariat for the Family, with support from PAHO.

Measures to promote the advancement of women are being carried out by all government agencies in order to draw attention to women's rights, their contribution to the country's progress and the advantages for the population of development with gender equity.

Article 14

*"States Parties shall take into account the particular problems faced by **rural women** and the significant roles which rural women play in the economic survival of their families ... and shall ensure to such women the right: (a) to participate in the elaboration and implementation of development planning at all levels; (b) to have access to adequate health-care facilities ...; (c) to benefit directly from social security programmes; (d) to obtain all types of training and education ...; (e) to organize self-help groups and cooperatives ...; (f) to participate in all community activities; (g) to have access to agricultural credit and loans ...; (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."*

It is known that women are particularly vulnerable to poverty and that they have to confront greater obstacles in order to become fully integrated in the development process.

In analysing the components of the gender-adjusted human development index (GDI) by rural and urban area, a comparison of the two categories (gender and rural versus urban) shows that women living in rural areas are doubly disadvantaged in terms of their human development opportunities: the discrimination and restrictions associated with their gender, plus the lack of opportunities which, on average, affects rural populations more than urban populations are among the main characteristics of the particular vulnerability of women living in rural areas of the country.

Indicators of living conditions, differentiating women in rural areas from those in urban areas, have been presented throughout the present report, for example, in the area of education (see figure 5).

In particular, the Ministry of Education has taken measures to promote distance learning, giving priority to women in rural and suburban areas.

In the health area specifically, it is known that a number of variables intersect with indicators of poverty. One of these is access to basic services, and for women access to water is an important factor for empowering their development. Although the government department responsible for drainage and sewers (ANDA) has a wide national presence (70 per cent of municipalities), its coverage is concentrated in the main urban areas,[10] with the result that women living in rural areas have fewer possibilities of meeting their strategic needs (such as participation in job training) because they spend a major part of their time on tasks relating to procreation, including the need to carry water to their homes.

The Government of El Salvador has carried out major public works to bring drinking water closer to rural populations throughout the country. In 2001, the Social Investment Fund for Local Development carried out more than 200

[10] Human Development Report, El Salvador 2001.

infrastructure and drinking water supply projects in rural communities, using access roads in different parts of the country.

At the same time, other kinds of measures have been carried out by the Ministry of Environment and Natural Resources, such as:

- Production, reproduction and promotion of a technical information manual on appropriate water use with a gender perspective;
- Training of community leaders by means of seminars on preventive health with a gender perspective, to enable them to become extension workers within the community through educational campaigns, the organization of special clean-up days, and the creation of youth clubs for environmental conservation with responsibility for publicizing and promoting activities relating to pollution of aquifers, water, air and soil.

This is only one of the variables to be taken into account in association with the importance of differentiating peoples' needs and the impact of poverty in terms of gender and geographical area.

Other relevant variables are those related to the gender empowerment measure, which shows that none of the country's departments, other than San Salvador, has a level of representation of women on municipal councils in excess of 25 per cent.

In relation to the civic and political participation area of the National Policy on Women and in coordination with various agencies working with municipal governments, the following measures have been implemented:

- A training and awareness programme on the gender perspective was organized for representatives of municipal councils, community leaders and municipal advisers, in order to make it a cross-cutting theme of municipal reconstruction plans, programmes and projects;
- A training course, entitled "Training of municipal outreach workers for mainstreaming a gender perspective in projects for the reconstruction of municipalities affected by the earthquakes", was held to promote women's participation with equal opportunities in local government;
- A number of participatory, community-level needs assessments were carried out in rural areas, benefiting 61,747 women and 41,507 men;
- In support of the credit, technical assistance and training programme, 166 visits were made to female users and 759 to male users in order to improve the productive capacity of rural women.

The Government recognizes the importance of eradicating domestic violence. In addition to the process of training and awareness-raising on women's rights at all levels and in all parts of the country, ISDEMU, with the support of various government agencies such as the National Civil Police and the Office of the Procurator-General, has a wide presence in rural areas and there are plans to extend that presence to the entire country during the current year, giving priority to caring for victims of domestic violence in rural areas.

To sum up, rural women remain the largest vulnerable group in all the country's departments and their living conditions make it difficult to see how their problems can be solved by monitoring a single development variable or a single

component. It must also be borne in mind that women are particularly vulnerable to development imbalances (such as those between urban and rural populations or between age groups) and that their marginalized situation limits their opportunities to express their needs and say what they require in order to improve their own and all their dependants' standard of living.

Part IV

Article 15

"*States Parties shall accord to women* ***equality with men before the law*** *...* ***a legal capacity*** *identical to that of men ... shall accord ... the same* ***rights*** *...* ***relating to the movement of persons and the freedom to choose their residence and domicile***".

Salvadoran legislation is based on the legal principle of human rights in all their aspects and forms, including the right freely to choose one's residence.

The Family Code regulates the freedom to choose a residence on the basis of family stability. Article 36 (1) of the Code contains provisions on personal and property relations between the spouses: "The spouses shall have equal rights and obligations; for the common life established between them, they shall live together, be faithful to each other and assist each other in all circumstances and situations". Article 37 provides that "spouses shall jointly determine their place of residence and shall settle all domestic matters by mutual consent".

As to the right of movement of persons, women have the same legal rights to move freely in any public space and to recognition of respect for private property.

Article 16

"*States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to* ***marriage and family relations*** *...*".

Since the promulgation of the Family Code in the 1990s, Salvadoran legislation has provided that "the legal basis of the family is marriage and it rests upon the legal equality of the spouses ... the State shall promote marriage, but the absence of marriage shall not affect enjoyment of the rights established in favour of the family" (article 32 of the Family Code). Article 36 of the Family Code also provides that "The spouses shall have equal rights and obligations; for the common life established between them, they shall live together, be faithful to each other and assist each other in all circumstances and situations".

The fifth periodic report to the Committee on the Elimination of Discrimination against Women already dealt with the various improvements made in Salvadoran legislation with respect to the protection of gender equity within the legal institution of marriage.

Part V

Optional Protocol

El Salvador signed the Optional Protocol to the Convention in September 2001. Ratification is currently under consideration and analysis in the Committee on Foreign Relations, Central American Integration and Salvadorans Abroad of the Salvadoran Legislative Assembly, in conformity with file No. 10726-2001.